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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,986	08/16/2001	Peter Dress	AZ.2796	8337
30996	7590	11/07/2003	EXAMINER	
ROBERT W. BECKER & ASSOCIATES 707 HIGHWAY 66 EAST SUITE B TIJERAS, NM 87059			MOORE, KARLA A	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/913,986	Applicant(s) DRESS ET AL.	
	Examiner Karla Moore	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10/20/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 33,34,55 and 57.

Claim(s) rejected: 30,32,35-39,43-54 and 56.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 0903.
10. ☐ Other: \_\_\_\_\_

*primary Examiner*  
*AV 1763*  
*P. Hassonza del*

Continuation of 2. NOTE:

Applicant has attempted to amend the claims by incorporating limitations of previously rejected claims into independent claims 30 and 51. Examiner maintains the position that these limitations are obvious over the prior art and therefore the claims are not in condition for allowance. Applicant argues that Yen is an apparatus with expensive synchronization between a cover and a holder, unlike the claimed invention; however, this limitation is not represented in the present claims in a way which prohibits the use of Yen as prior art. Applicant uses the language "can be attached to" and "freely rotatable therewith" to describe the structural relationship between the cover and holder of the presently claimed invention. Examiner believes this language also characterizes the invention of Yen as disclosed at column 6, rows 21-23 and rows 30-34. Applicant's argument based on the failure of Yen to disclose the orientation of the substrate as claimed is not addressed here because in the rejections of the previous office action Kameyama was relied upon for teaching the substrate orientation as claimed, not Yen. Likewise, Applicant's argument that Kameyama fails to disclose a cover which is attached to a substrate holder and freely rotatable therewith is not discussed here, as the reference was not relied upon for this teaching. Nor, is the failure of Yen or Kameyama to disclose "a notch in the outer region of the part of the cover defining the chamber, whereby the notch projects radially outwardly and is inclined on its side facing the substrate holder" discussed, because they are not relied upon for this teaching. Further, with respect to the appropriateness of the combination of Yen and Kameyama, Examiner asserts that each of the references are concerned with a common problem--uniform coating. This teaching can be found in Yen at column 2, rows 17-19. Examiner also asserts that there is not a difference between citing the concern of the prior art as "uniform processing of substrates" or "uniform coating of substrates", in a case where an apparatus is disclosed as useable for coating substrates. With respect to An et al., again Applicant's arguments are drawn to the absence of structures which the reference is not relied upon as teaching. One of ordinary skill in the art would recognize that providing "a notch in the outer region of part of a cover defining the chamber, whereby the notch projects radially outwardly and is inclined on its side facing the substrate holder" is a valid way to conduct away contaminants from a chamber. An et al. teaches this structure and is therefore relied upon in the previous office action. Examiner recognizes that the three references discussed above are not identical in their teachings; however, they are concerned with common problems and they are in a common field. Therefore, one of ordinary skill in the art would find motivation for combining desirable features disclosed in each of the references.